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FILED

8 Attorneys for Claimant
9 JAMES ROYAL

10 **GOVERNMENT CLAIM**

11 JAMES ROYAL,

CASE NO.:

12 Claimant,

GOVERNMENT CLAIM

13 vs.

14 ON INFORMATION AND BELIEF

15 COUNTY OF LOS ANGELES, a government
16 entity; LOS ANGELES COUNTY
17 SHERIFF'S DEPARTMENT, a government
18 entity; DIVISION CHIEF JOHN BENEDICT,
19 an individual; and DOES 1 through 100,
20 inclusive,

21 Respondents.

22 TO RESPONDENTS, COUNTY OF LOS ANGELES; LOS ANGELES COUNTY
23 SHERIFF'S DEPARTMENT, DIVISION CHIEF JOHN BENEDICT, and each of them, and
24 DOES 1 through 100, inclusive:

25 PLEASE TAKE NOTICE that JAMES ROYAL, by and through his attorneys, McNicholas
26 & McNicholas, LLP, hereby submits this Government Claim to the Respondents herein, based on
27 information and belief.

1 1. Name of Claimant:

2 James Royal

3 2. Post office address to which person(s) presenting the claim desires all notices and
4 communication to be sent:

5 McNICHOLAS & McNICHOLAS LLP

6 Matthew S. McNicholas, Esq.

7 Douglas D. Winter, Esq.

8 10866 Wilshire Boulevard, Suite 1400

9 Los Angeles, California 90024-4338

10 3. Date, Place & Circumstances Surrounding the Claim:

11 Each individual respondent, Division Chief John Benedict, was, at all relevant times, an
12 employee with Respondent County of Los Angeles Sheriff's Department ("LACSD").

13 Claimant does not know the true names and capacities of the Respondents identified herein
14 as DOES 1 through 100, inclusive, and therefore identifies these Respondents by such fictitious
15 names. Claimant will amend his actual lawsuit as appropriate to allege the true names and
16 capacities of these Respondents when they have been ascertained. Claimant is informed and
17 believes, and upon such information and belief alleges, that each Respondent herein designated as a
18 DOE was and is in some manner, negligently, wrongfully, or otherwise, responsible and liable to
19 Claimant for the injuries and damages hereinafter alleged, and that Claimant's damages were
20 proximately caused by their conduct.

21 At all times herein mentioned, each Respondent was the agent, servant, or employee, or
22 ostensible agent, servant, and employee of each of the remaining Respondents, and in doing the
23 things hereinafter mentioned, each Respondent was acting within the course, scope and authority of
24 said agency and employment or ostensible agency and employment and also with the consent of
25 each of the co-Respondents.

26 At all times mentioned herein, each of the Respondents was the co-tortfeasor of each of the
27 other Respondents in doing the things hereinafter alleged.

28 The conduct of each Respondent combined and cooperated with the conduct of each of the
 remaining Respondents so as to cause the herein described incidents and the resulting injuries and
 damages to Claimant.

1 As an introductory matter, the retaliatory conduct against Claimant by Respondents and
2 described herein is ongoing and continuing to the present.

3 In January, 2017, Claimant, a 24-year veteran of the Los Angeles County Sheriff's
4 Department and Detective Lieutenant at the Malibu/Lost Hills Sheriff's Station, became aware of
5 three (3) shootings that occurred in Malibu Creek State Park. The first shooting occurred on
6 November 3, 2016 in Tapia Park, the second occurred on November 9, 2016 in Malibu Creek State
7 Park, and the third occurred on January 7, 2017, also in Malibu Creek State Park.

8 Claimant immediately notified his supervisors and explained that the Sheriff's Department
9 needed to warn the public regarding the shootings. No warning was issued, and Claimant's
10 supervisors told Claimant that it was a "State Park's problem" and not theirs.

11 Thereafter, four (4) additional shootings occurred in the area. On June 8, 2017, a shooting
12 occurred on Las Virgenes Rd. in Malibu Canyon adjacent to Malibu Creek State Park in which a
13 Porsche vehicle was struck. On July 22, 2017, another shooting occurred at a BMW, also on Las
14 Virgenes Rd. adjacent to Malibu Creek State Park. On July 31, 2017, a shot was fired in the
15 Malibu Creek State Park campground area. On June 18, 2018, yet another shooting occurred on
16 Las Virgenes Rd. adjacent to Malibu Creek State Park when a Tesla was struck by a bullet.

17 During the time period when these four additional shootings occurred, Claimant again
18 insisted to his Captain Josh Thai that the Sheriff's Department needed to warn the public regarding
19 the series of shootings. Claimant and Captain Thai attended a meeting at the downtown Los
20 Angeles Sheriff's Headquarters at the Hall of Justice with Division Chief John Benedict. During
21 the meeting, which was also attended by Commander Patrick Nelson, Claimant briefed all
22 attendees regarding the series of shootings and again urged that the public be warned and requested
23 a public safety statement be put out regarding the shootings. The request was denied.

24 On June 22, 2018, Tristan Beaudette, along with his 2- and 4-year old daughters Clara and
25 Evie, were camping in a tent at the Malibu Creek State Park campground. While the family was
26 asleep in their tent, Tristan Beaudette was killed by a gunshot from outside of their tent.

27 After the murder of Tristan Beaudette occurred and was reported in the media, others came
28 forward with reports of their experiences hearing gunfire or being shot at in and around the Malibu

1 Creek State Park area. Public clamor rose to such a level that State Senator Henry Stern put on a
2 Town Hall meeting in August, 2018 to address the Beaudette murder and the shootings AND WHY
3 THE PUBLIC WAS NOT WARNED. Despite the high profile and sensitive nature of the event,
4 and the significant concern in the community, the Department did not select a Captain,
5 Commander, Chief, or even the Sheriff, to represent the Department at the Town Hall. Instead,
6 Claimant was instructed to attend the Town Hall and to speak on behalf of the Sheriff's
7 Department, and to communicate the Department's official position that the prior series of
8 shootings were unrelated to the Beaudette murder (this, of course, was NOT Claimant's position –
9 but Claimant was told that "his position" was not at issue, just the "Department's position"
10 mattered).

11 Chief Benedict, who had rejected Claimant's request for prior public warnings regarding
12 the shootings, did not speak on behalf of the Department, but rather, attended the Town Hall and
13 sat in the audience dressed in plain clothes in one of the front rows to intimidate Claimant and
14 make sure Claimant presented the Department's official position as instructed – i.e., to intimidate
15 him to stay on script.

16 On October 10, 2018, Anthony Rauda, who was apparently a vagrant living in the
17 surrounding area, was captured in the nearby hills. Rauda was arrested and later charged with the
18 murder of the fatal shooting of Tristan Beaudette.

19 On or about December 21, 2018, the family of Tristan Beaudette (widow Erica Wu and his
20 daughters) filed civil government tort claims for more than \$90 million in damages against the Los
21 Angeles County Sheriff's Department and other state and local agencies, accusing them of failing
22 to warn the public about the seven (7) shootings in and around the area before the slaying (the
23 "Beaudette Civil Claims").

24 On December 26, 2018, the Sheriff's Department generated internal correspondence in
25 direct response to the Beaudette Civil Claims requesting directly from Claimant's station personnel
26 responding information. Meaning, things were alleged in the Beaudette Civil Claims that created
27 liability for the County, and the County wanted to know what was true and not true, and what
28 information the deputies actually involved had concerning the allegations being made. In the

1 internal response from Claimant's station, it was specifically explained that Claimant and Captain
2 Thai met with Chief Benedict before the Beaudette murder and that Claimant requested that a
3 public safety statement be put out regarding the prior shootings. The Sheriff correspondence
4 concludes with the statement that “[t]here was no public safety statement addressing the
5 shooting[s] prior to Tristan Beaudette's murder.” This response indicates the allegations in the
6 Beaudette Civil Claim were true, and that as such, the County was facing significant liability for
7 the wrongful death civil claims.

8 In January, 2019, the Respondents, and each of them, began their retaliation. Without any
9 prior warning or basis, Claimant was transferred from his Detective Lieutenant assignment, the
10 OIC of Detectives at Malibu/Lost Hills Station, to the Santa Clarita station, a much less coveted
11 assignment. Claimant had his Detective status removed, lost his overtime opportunities, and is
12 assigned less favorable shifts. Further, Claimant now has to commute approximately 100 miles a
13 day to work, whereas at Malibu/Lost Hills Station, his commute was just over 20 miles per day.
14 This is commonly known in law enforcement agencies as the Department giving the employee
15 “freeway therapy.”

16 Furthermore, Respondents retaliated by making Claimant the subject of an Internal Affairs
17 Investigation wherein he is accused of committing serious misconduct by allegedly interfering with
18 an investigation. This accusation is entirely false as Claimant never interfered with or otherwise
19 impeded the investigation into the Malibu shootings. Claimant never violated any policies,
20 procedures, laws, or regulations relating to the shootings or any Sheriff or other agency
21 investigation into the shootings and murder of Tristan Beaudette. Instead, Claimant immediately
22 notified his supervisors at all times regarding all information and details of the shootings as he
23 became aware of such facts through his work as the OIC of Detectives, and repeatedly expressed
24 his opinion that a public safety warning should be given.

25 In addition, Claimant's professional reputation has been, and continues to be, tarnished and
26 damaged by the Department by virtue of the retaliatory IA investigation, bogus rumors regarding
27 his professional abilities and reputation, and other falsehoods. In fact, in his approximately eight
28 years being assigned at Malibu/Los Hills Station, Claimant had earned stellar performance

1 evaluations and multiple commendations for his work.

2 On a continuing and ongoing basis up to, and including, today, Claimant has been retaliated
3 against, harassed, and otherwise discriminated against by Respondents because Claimant's request
4 to disclose the shootings to the public was Claimant attempting to get Respondents, and each of
5 them, to follow the law and to not violate the law. Claimant disclosed what he reasonably believed
6 to be an unlawful and unsafe failure to warn the public regarding the series of shootings. Claimant
7 reasonably believed that a failure to disclose the shootings and issue a public safety warning would
8 lead to a violation of law (which it has). Further, the Beaudette Civil Claims that were filed indeed
9 allege a violation of law arising from the Department's failure to warn, which is exactly what
10 Claimant repeatedly requested. Further, Respondents, and each of them, are now retaliating
11 against Claimant to get him to back-down and shut-up because they believe he will continue to
12 reveal that he wanted to warn the public in both internal investigations and in external forums (for
13 example, in the deposition and trial testimony that will certainly be forthcoming in the Beaudette
14 Civil matter)

15 The Respondents' retaliatory actions against Claimant, including specifically the
16 unwarranted transfer, IA investigation, and reputational harm, are designed to intimidate, control
17 and otherwise damage Claimant as a witness because the Department believes that Claimant will
18 testify in a future proceeding regarding his disclosures to supervisors as to the Department's legal
19 duty to warn the public. This retaliatory action by Respondents has further eroded the trust
20 Claimant has in Respondents and others that he must work with at the Department.

21 People from the Sheriff's Department and in the County that are involved in the facts and
22 circumstances of this claim are all of the Claimant's supervisors and coworkers, all command staff
23 at Claimant's particular division and Patrol Division, all the members of IA including, but not
24 limited to, the people who were involved in any way, shape, or form in any investigation (formal or
25 otherwise), all people and supervisors in the adjudication of any investigation, and signing off on
26 accusations, discipline or findings of any kind, all people that were involved in the transfer and
27 other adverse acts against the Complainant at all relevant times, and all members of command staff
28 in the LASD up to the Sheriff (as well as their assistants, adjutants, secretaries, helpers, and

advisers). All these people play a role in what goes on in the Sheriff's Department, and this claim puts YOU (Respondents) on notice that Claimant will seek discovery and evidence, and put the same on trial, as to all these people and all their actions in the years before and after the specific acts outlined in this Claim. The LASD is too big and complex for Claimant to presently identify everyone who had a hand in the wrongful acts at issue, but the Department knows because they did it. Whether the LASD chooses to do a proper investigation is, as always, up to the LASD.

Claimant has suffered both general and special damages in the past and present and will continue to suffer such damages in the future for an unknown period of time. This has caused damage to his professional reputation, will likely cause him to have to take a different retirement path, which will adversely affect his income and pension and other benefits. Moreover, it has adversely affected Claimant's personal health and well-being. Claimant has also suffered extensive general damages in the form of anxiety, anguish, and mental suffering. Claimant's damages are continuing and in an amount not yet determined, but in excess of \$25,000.

Respondent's wrongful conduct is continuing and ongoing to present, June 6, 2019.

Dated: June 6, 2019

McNICHOLAS & McNICHOLAS, LLP

By: _____

Matthew S. McNicholas
Douglas D. Winter
Attorneys for Claimant
JAMES ROYAL

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is 10866 Wilshire Blvd., Suite 1400, Los Angeles, CA 90024.

On June 6, 2019, I served the foregoing document described as **GOVERNMENT CLAIM** on the interested parties in said action by placing a true copy thereof enclosed in a sealed envelope, addressed as follows:

SEE ATTACHED SERVICE LIST

X (BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail in Los Angeles, CA to be served on the parties as indicated on the attached service list. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, CA in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand via NOW MESSENGER to the offices of the addressee.

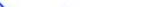
(BY FACSIMILE) The above-described document (s) were sent by facsimile transmission to the facsimile number(s) of the law office(s) stated above. The transmission was reported as complete and without error. A copy of the transmission report is made a part of this proof of service pursuant to CRC §2008.

(BY ELECTRONIC MAIL) The above-described document(s) were sent by electronic transmission to the law office(s) stated in the attached Service List. The transmission was reported as complete and without error.

(BY OVERNIGHT DELIVERY) I placed the Overnite Express package for overnight delivery in a box or location regularly maintained by Overnite Express at my office or I delivered the package to an authorized courier or driver authorized by Overnite Express to receive documents. The package was placed in a sealed envelope or package designated by Overnite Express with delivery fees paid or provided for, addressed to the person(s) on whom it is to be served at the address(es) shown above, at the office address(es) as last given by that person on any document filed in the cause and served on the party making service; otherwise at that party's place of residence.

(State) I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 6, 2019, at Los Angeles, California.


Judy Sarenana

SERVICE LIST

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